Notice of Allowability	Application No.	Applicant(s)	
	10/761,063	JACKMAN, BRIAN FRANCIS	
	Examiner	Art Unit	
	Frederick C. Nicolas	3754	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to *the amendment filed on 11/27/2006*.

2. ☒ The allowed claim(s) is/are *21,23-25,28-30 and 35-38*.

3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
   a) ☐ All b) ☐ Some* c) ☐ None of the:
      1. ☐ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. _____ .
      3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

   * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
   (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
   (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

   Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date *2/28/2007* .
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with the applicant Mr. Brian F. Jackman on 2/28/2007.

The application has been amended as follows:

IN THE CLAIMS:

Claims 22, 26-27,31-34 have been cancelled.

Claim 21, lines 1-13, "The combination comprising: (a) a flexible bottle type container used for the containment and dispensing of pourable material comprised of: a tubular body portion with a sealed bottom end; and an opposite top end forming a pour spout that includes means for securing a closure cap; said pour spout ending with an exterior rim providing a surface area for bonding a closure seal to seal over the opening of said pour spout; (b) a pressure activated self opening closure seal for bonding to said rim to seal over said opening of said pour spout comprised of: a first frangible layer of sheet material is permanently bonded to a second strengthening layer of sheet material; said second strengthening layer contains a cut out void configuration that creates a weaker area in said seal by leaving only said first frangible layer covering over the void area of said cut out void configuration; and wherein said cut out void configuration creating said weaker area forms a breaking pattern in said seal" has been deleted and

--A leak proof pressure activated self opening closure seal for sealing over a dispensing opening of a flexible container used for containing and dispensing pourable material, said flexible container comprising: (a) a tubular body portion with a sealed bottom end, an opposite top end forming a pour spout that includes means for securing a closure cap; said pour spout ending with an exterior rim providing a surface area for bonding said closure seal over said dispensing opening of said pour spout; (b) said closure seal comprising: a first layer of frangible sheet material, a second layer of adhesive, a third layer of strengthening sheet material, a fourth layer of adhesive; (c) wherein said first layer of frangible sheet material, said second layer of adhesive, said third layer of strengthening sheet material, and said fourth layer of adhesive are permanently laminated together forming said closure seal; (d) wherein said second layer of adhesive, said third layer of strengthening sheet material and said fourth layer of adhesive each contain a duplicate cut out void configuration that are in alignment with each other; (e) wherein said duplicate cut out void configuration creates a weak area in said closure seal by leaving only said first layer of frangible sheet material covering over said duplicate cut out void configuration; (f) wherein an annular portion of said closure seal is bonded to said exterior rim of said flexible container by said fourth layer of adhesive sealing over said dispensing opening of said pour spout; (g) wherein said closure seal is of sufficient strength to remain intact and retain said pourable material in said flexible container when said flexible container is gripped, uncapped and inverted by a consumer; (h) wherein said closure seal is of sufficient weakness to break open only in said weak area of said duplicate cut out void configuration thereby allowing said

pourable material to dispense from said pour spout when said flexible container is pressurized by said consumer squeezing or striking said flexible container-- has been inserted.

Claim 23, lines 1-3, "claim 21 wherein the inner planar surface of said closure cap is in contact with said seal when said seal is bonded to said rim and said closure cap is installed on said container preventing said seal from breaking open prior to the removal of said closure cap from said container" has been deleted and --claim 21, wherein an inner planar surface of said closure cap is in contact with said closure seal when said closure cap is installed on said flexible container preventing said closure seal from breaking open prior to the removal of said closure cap from said flexible container-- has been inserted.

Claim 24, lines 1-4, "The cut out void configuration of claim 21 wherein said cut out void configuration includes at least one unbroken area that connects the broken open center portion of said seal to the annular portion of said seal remaining bonded to said rim preventing said broken open center portion from breaking off from said annular portion when said seal breaks open" has been deleted and --The duplicate cut out void configuration of claim 21, wherein said duplicate cut out void configuration includes one or more uncut portions that connect one or more broken open center flaps of said closure seal to the annular portion of said closure seal remaining bonded to said exterior rim thereby preventing said one or more broken open center flaps from tearing from said annular portion when said closure seal breaks open-- has been inserted.

Claim 25, lines 1-3, "The configuration of said breaking pattern of claim 21 wherein said configuration includes a varied C shaped, H shaped, three or more point star shaped, X shaped, wave shaped, spiral shaped, or circular shaped configuration" has been deleted and --The duplicate cut out void configuration of claim 21, wherein said duplicate cut out void configuration can comprise either a: varied C shaped, H shaped, three or more point star shaped, X shaped, wave shaped, spiral shaped, or circular shaped configuration-- has been inserted.

Claim 28, lines 1-2, "The seal of claim 21 wherein said seal is bonded to said rim by: induction sealing; heat sealing; evaporative sealing; reactive sealing; or ultrasonic sealing" has been deleted and --The closure seal of claim 21, wherein said annular portion of said closure seal is bonded to said exterior rim by: induction sealing, heat sealing, evaporative sealing, reactive sealing, or ultrasonic sealing-- has been inserted.

Claim 29, lines 1-2, "The first frangible layer of claim 21 wherein said layer is made up of one or more layers of the same or different materials wherein said materials are: metal foil, polymers; plastic; or paper" has been deleted and --The first layer of frangible sheet material of claim 21, wherein said first layer of frangible sheet material is made up of one or more layers of same or different materials wherein said materials are: metal foil, polymers, plastic, or paper--has been inserted.

Claims 30, lines 1-3, "The second strengthening layer of claim 21 wherein said layer is made up of one or more layers of the same or different materials wherein said materials are: metal foil; polymers; plastic; paper or adhesive" has been deleted and

--The third layer of strengthening sheet material of claim 21, wherein said third layer of strengthening sheet material is made up of one or more layers of same or different materials wherein said materials are: metal foil, polymers, plastic, paper or adhesive-- has been inserted.

Claim 35, lines 1-5, "The seal of claim 21 wherein said seal includes one or more additional layers of the same or different materials wherein said materials are: metal foil; plastic; polymers; synthetic foam; pulp board; paper; adhesive; or releasable adhesive; providing means for bonding said seal to said rim sealing over said opening of said pour spout by: induction sealing; heat sealing; evaporative sealing; reactive sealing; or ultrasonic sealing" has been deleted and --The closure seal of claim 21, wherein said closure seal includes one or more additional layers of same or different sheet materials, wherein said sheet materials are: metal foil, plastic, polymers, synthetic foam, pulp board, paper, adhesive, or releasable adhesive; providing means for bonding said closure seal to said exterior rim; and wherein said means for bonding comprising induction sealing, heat sealing, evaporative sealing, reactive sealing, or ultrasonic sealing-- has been inserted.

Claim 36, lines 1-2, "The first frangible layer of claim 21 wherein said layer is permanently bonded to said second strengthening layer by non adhesive means such as cladding or fusion bonding" has been deleted and --The fist layer of frangible sheet material of claim 21, wherein said first layer of frangible sheet material is permanently laminated to said third layer of strengthening sheet material by non adhesive means,

wherein said non adhesive means comprising cladding or fusion bonding-- has been inserted.

Claim 37, lines 1-2, "The pourable material of claim 21 wherein said material includes: motor oil; transmission fluid; motor vehicle additives; lubricants; or chemicals" has been deleted and --The pourable material of claim 21, wherein said pourable material can be one of motor oil, transmission fluid, motor vehicle additives, lubricants or chemicals-- has been inserted.

Claim 38, lines 1-39, "A leak proof pressure activated self opening closure seal for sealing over the dispensing opening of a flexible container of the type used for storing and dispensing pourable liquids such as motor oil, motor vehicle additives, lubricants, or chemicals comprised of: (a) a first layer of strengthening sheet material is bonded to one side of a frangible layer of sheet material; a second layer of strengthening sheet material is bonded to the opposite side of said frangible layer; and wherein said strengthening layers each contain at least one duplicate cut out void configuration that are in register with each other and form a breaking pattern; (b) wherein the bonding means bonding said first layer and said second layer to said frangible layer includes an area void of said bonding means that duplicates said cut out void configuration of said breaking pattern (c) wherein said cut out void configurations forming said breaking pattern create a weakness in said seal by leaving only said frangible layer in the blank areas of said cut out void configurations between said strengthening layers; (d) wherein either side of said seal is bonded to the rim of said container sealing over said dispensing opening providing a pressure activated self

opening frangible closure seal that is only of sufficient strength to remain unbroken when subjected to the internal pressure created in said container by said container contents when said container is uncapped, gripped, and inverted by a consumer; and (e) said seal also being of sufficient weakness to break open outwardly only in the configuration of said breaking pattern when sufficient additional internal container pressure is brought to bear against said seal when said container is inverted and squeezed or struck by said consumer thereby allowing the dispensing of said pourable products out through said dispensing opening; (f) wherein said container includes a closure cap with means for affixing said closure cap over said dispensing opening; and wherein the inner planar surface of said closure cap is in contact with said seal when said seal is bonded to said rim and said closure cap is installed on said container preventing said seal from breaking open prior to the removal of said closure cap from said container. (g) wherein the configuration of said breaking pattern includes at least one unbroken portion that connects the broken open central portion of said seal to the peripheral portion of said seal remaining bonded to said rim preventing said broken open portion from detaching from said peripheral portion when said seal breaks open; (b) wherein the bonding means bonding said seal to said rim includes an area void of said bonding means that at least duplicates said cut out void configuration of said breaking pattern; (l) wherein said frangible layer is comprised of one or more layers of the same or different materials wherein said materials include: metal foil, plastic, polymers, or paper. (j) wherein said first layer and said second layer are comprised of one or more layers of the same or different materials wherein said materials include:

metal foil, plastic, polymers, paper; or adhesive; (k) wherein the bursting pressure of said seal can be adjusted by either: varying the thickness of said frangible layer; by the configuration of said breaking pattern; by the choice of materials used for said frangible layer; or by combinations of one or more of these;" has been deleted and --A leak proof pressure activated self opening closure seal for sealing over the dispensing opening of a flexible container used for storing and dispensing pourable liquid, comprising: (a) a first layer of strengthening sheet material, a second layer of adhesive, a third layer of frangible sheet material, a fourth layer of adhesive, a fifth layer of strengthening sheet material; (b) wherein said first layer of strengthening sheet material, said second layer of adhesive, said third layer of frangible sheet material, said fourth layer of adhesive, and said fifth layer of strengthening sheet material are permanently laminated together forming said closure seal; (c) wherein said first layer of strengthening sheet material, said second layer of adhesive, said fourth layer of adhesive, said fifth layer of strengthening sheet material each contain a duplicate cut out void configuration that are in alignment with each other; (d) wherein said duplicate cut out void configuration creates a weak area in said closure seal by leaving only said third layer of frangible sheet material in said weak area of said cut out void configuration; (e) wherein an annular portion of said closure seal is adhesively bonded to said exterior rim of said flexible container sealing over said dispensing opening; (f) wherein said dispensing opening is closed with a closure cap; (g) wherein said closure cap includes an inner planar surface that is in contact with said closure seal preventing said closure seal from breaking open prior to the removal of said closure cap from said flexible container; (h)

wherein said closure seal is of sufficient strength to remain intact and retain said pourable liquid in said flexible container when said flexible container is gripped, uncapped and inverted by a consumer; (i) wherein said closure seal is of sufficient weakness to break open only in said weak area of said duplicate cut out void configuration thereby allowing said pourable liquid to dispense from said dispensing opening when said flexible container is pressurized by said consumer squeezing or striking said flexible container; (j) wherein said duplicate cut out void configuration includes one or more uncut portions that connect one or more broken open center flaps of said closure seal to the annular portion of said closure seal remaining bonded to said dispensing opening thereby preventing said one or more broken open center flaps from tearing from said annular portion when said closure seal breaks open; (k) wherein said duplicate cut out void configuration can comprise either a: varied C shape, H shaped, three or more point star shaped, X shaped, wave shaped, spiral shaped, or circular shaped configuration; (l) wherein said first layer of strengthening sheet material and said fifth layer of strengthening sheet material are comprised of one or more layers of same or different materials wherein said materials are: metal foil, plastic, polymers, paper, or adhesive; (m) wherein said third layer of frangible sheet material is comprised of one or more layers of same or different materials wherein said materials are: metal foil, plastic, polymers, or paper; (n) wherein said closure seal includes one or more additional layers of same or different sheet materials; wherein said sheet materials are: metal foil, plastic, polymers, synthetic foam, pulp board, paper, adhesive or releasable adhesive; providing means for bonding said closure seal to said exterior rim; (o) wherein

said means for bonding said closure seal to said exterior rim comprise induction sealing, heat sealing, evaporative sealing, reactive sealing or ultrasonic sealing; (p) wherein said first layer of strengthening sheet material and said fifth layer of strengthening sheet material are permanently laminated to said third layer of frangible sheet material by non adhesive means; (q) wherein said non adhesive means comprising cladding or fusion bonding; (r) wherein said pourable liquid includes either one of motor oil, transmission fluid, motor vehicle additives, lubricants or chemicals.--has been inserted.

Allowable Subject Matter

2. Claims 21,23-25,28-30,35-38 are allowed.

3. The following is an examiner's statement of reasons for allowance: the prior art fails to disclose or render obvious a leak proof pressure activated self opening closure seal for sealing over a dispensing opening of a flexible container used for containing and dispensing pourable material/liquid in combination with the other claimed limitations of claim 21:

"said closure seal comprising: a first layer of frangible sheet material, a second layer of adhesive, a third layer of strengthening sheet material, a fourth layer of adhesive; (c) wherein said first layer of frangible sheet material, said second layer of adhesive, said third layer of strengthening sheet material, and said fourth layer of adhesive are permanently laminated together forming said closure seal; (d) wherein said second layer of adhesive, said third layer of strengthening sheet material and said fourth layer of adhesive each contain a duplicate cut out void configuration that are in alignment with each other".

The prior art fails to disclose or render obvious a leak proof pressure activated self opening closure seal for sealing over a dispensing opening of a flexible container used for containing and dispensing pourable liquid in combination with the other claimed limitations of claim 38:

"(a) a first layer of strengthening sheet material, a second layer of adhesive, a third layer of frangible sheet material, a fourth layer of adhesive, a fifth layer of strengthening sheet material; (b) wherein said first layer of strengthening sheet material, said second layer of adhesive, said third layer of frangible sheet material, said fourth layer of adhesive, and said fifth layer of strengthening sheet material are permanently laminated together forming said closure seal; (c) wherein said first layer of strengthening sheet material, said second layer of adhesive, said fourth layer of adhesive, said fifth layer of strengthening sheet material each contain a duplicate cut out void configuration that are in alignment with each other".

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frederick C. Nicolas whose telephone number is (571)-272-4931. The examiner can normally be reached on Monday - Friday from 9:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin P. Shaver, can be reached on 571-272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FN
February 26, 2007

2/28/07

Frederick C. Nicolas
Primary Examiner
Art Unit 3754